



February 22, 2002

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## ENGROSSED HOUSE BILL No. 1201

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DIGEST OF HB 1201 (Updated February 20, 2002 6:55 PM - DI 71)

**Citations Affected:** IC 20-5.

**Synopsis:** School donations to community foundations. Allows the governing body of a school corporation to donate specified sources of revenue to a charitable nonprofit community foundation if the foundation retains all rights to the donation and agrees to: (1) hold the donation as a permanent endowment; (2) distribute income from the donation only to the school corporation; and (3) return the donation to the school corporation's general fund under certain conditions. Specifies that a school corporation may use the income generated by the donation only for purposes of the school corporation.

**Effective:** July 1, 2002.

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### Robertson, Oxley, Becker, Budak

(SENATE SPONSORS — YOUNG R, SERVER)

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January 10, 2002, read first time and referred to Committee on Education.  
January 23, 2002, reported — Do Pass.  
January 28, 2002, read second time, ordered engrossed. Engrossed.  
January 30, 2002, read third time, passed. Yeas 91, nays 4.

SENATE ACTION

February 1, 2002, read first time and referred to Committee on Education.  
February 21, 2002, reported favorably — Do Pass.

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EH 1201—LS 6539/DI 101+



February 22, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## ENGROSSED HOUSE BILL No. 1201

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A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 20-5-6-10 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2002]: **Sec. 10. (a) The governing body of a school corporation**  
4 **may donate the proceeds of a grant, a gift, a donation, an**  
5 **endowment, a bequest, a trust, or an agreement to share tax**  
6 **revenue received by a city or county under IC 4-33-12-6 or**  
7 **IC 4-33-13, or other funds not generated from taxes levied by the**  
8 **school corporation, to a foundation under the following conditions:**

9       (1) The foundation is a charitable nonprofit community  
10 foundation.

11       (2) The foundation retains all rights to the donation, including  
12 investment powers, except as provided in subdivision (3).

13       (3) The foundation agrees to do the following:

14           (A) Hold the donation as a permanent endowment.

15           (B) Distribute the income from the donation only to the  
16 school corporation as directed by resolution of the  
17 governing body of the school corporation.

EH 1201—LS 6539/DI 101+



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- 1           **(C) Return the donation to the general fund of the school**  
2           **corporation if the foundation:**  
3           **(i) loses the foundation's status as a public charitable**  
4           **organization;**  
5           **(ii) is liquidated; or**  
6           **(iii) violates any condition of the endowment set by the**  
7           **governing body of the school corporation.**  
8           **(b) A school corporation may use income received under this**  
9           **section from a community foundation only for purposes of the**  
10           **school corporation.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1201, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

PORTER, Chair

Committee Vote: yeas 11, nays 0.

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EH 1201—LS 6539/DI 101+



## COMMITTEE REPORT

Mr. President: The Senate Committee on Education, to which was referred House Bill No. 1201, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1201 as printed January 24, 2002.)

LUBBERS, Chairperson

Committee Vote: Yeas 7, Nays 1.

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EH 1201—LS 6539/DI 101+

